United Nations ST/SGB/2007/10

Secretariat

29 June 2007

Secretary-General's bulletin

Records of the United Nations Compensation Commission

The Secretary-General, for the purpose of establishing a regime for the archiving, disposition, management, preservation, storage and use of, and access to, the records of the United Nations Compensation Commission (the "Commission"), in implementation of the policies regarding the archiving of those records and access to the records so archived or stored that were approved by the Commission's Governing Council at its 133rd meeting, on 18 December 2003, and at its 150th meeting, on 8 December 2005, in the exercise of its powers pursuant to Security Council resolution 692 (1991), promulgates the following:

Part I
General provisions

Section 1
Scope of the present bulletin

The present bulletin shall apply to the records, in all forms and media, held by the secretariat of the United Nations Compensation Commission (the "Commission secretariat").

Section 2
Preparation for archiving and disposition

2.1 When preparing the records for archiving and disposition, the Commission secretariat shall organize them into one of the following categories:

(a) Category one;

(b) Category two;

(c) Category three.

2.2 In determining into which category a particular record falls, the Commission secretariat shall be guided by:

(a) The Governing Council's decision at its 133rd meeting of 18 December 2003, specifically:

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(i) That records in category one comprise those with historical or precedential value, concerning, inter alia, claims review procedures and evidentiary matrices, procedures established such as the standard operating procedures, the index of jurisprudence, Governing Council records not in the public domain and the Commission's electronic database;

(ii) That records in category two comprise, inter alia, claims files as well as payment records and the related documents necessary to trace any compensation award back to source;

(iii) That records in category three comprise, inter alia, personnel records, financial records, administrative records and official United Nations documents in the public domain, such as Governing Council decisions and the reports and recommendations made by the panels of Commissioners, and restricted documents, such as summary records of the Governing Council sessions.

(b) Any subsequent relevant decision by the Governing Council or its successor body.

Part II
Category-one records

Section 3
Designation of category-one records

3.1 When preparing category-one records for archiving, the Commission secretariat shall determine, in respect of each record, whether it is to be designated as "Restricted" or "Unrestricted" for the purposes of access and use.

3.2 All records that contain the names of individual claimants or that otherwise contain information that would make it possible to ascertain their identity shall be designated as "Restricted".

3.3 In determining the appropriate designation of other category-one records, the Commission secretariat shall be guided by:

(a) The provisions of the Commission's provisional rules for claims procedures (S/AC.26/1992/10), in particular article 30 (1) and article 40 (5) of those rules; and

(b) Subject always to section 33 (a), the provisions of section 1 of ST/SGB/2007/6.

3.4 The Commission secretariat shall place all category-one records designated as "Restricted" in boxes or containers bearing a stamp or label that clearly indicates the designation of their contents and states that they are to be accessed or used only in accordance with the provisions of the present, and any subsequent relevant, bulletin. Equivalent measures shall be taken mutatis mutandis in respect of category-one records that are designated as "Unrestricted". In the case of electronic copy records, steps shall be taken, where practicable and appropriate, to embed in those records documentation automatically advising in similar terms any person wishing to access or use those records.

Section 4
Transfer of category-one records to archives

4.1 Following their classification in accordance with section 3, the Commission secretariat shall transfer all category-one records to the Archives and Records Management Section of the Office of Central Support Services at United Nations Headquarters in New York.

4.2. Once the Archives and Records Management Section has prepared the records for archiving, it shall transfer them to permanent storage in the archives of the United Nations. In the case of those records designated as "Restricted", such storage shall take place on premises that are within the Headquarters district as defined in the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, done at Lake Success on 26 June 1947, as from time to time supplemented.

4.3 Subsequent to their transfer to permanent storage pursuant to section 4.2, the Archives and Records Management Section shall take such steps as may from time to time be necessary to maintain, preserve and repair the records for continued storage.

Section 5
Access to "restricted" category-one records

5.1 Without prejudice to the provisions of sections 4.2 and 4.3, access to and use of category-one records that have been designated as "restricted" in accordance with section 3 and that have been transferred to the Archives and Records Management Section in accordance with section 4.1 or to permanent storage in the archives of the United Nations in accordance with section 4.2 shall be permitted only with the prior written authorization:

(a) Of the head of the Commission secretariat or, in his or her absence, of his or her deputy; or

(b) Of the head of the secretariat of the Commission's successor body or, in his or her absence, of his or her deputy.

5.2 Such authorization shall:

(a) Be signed in person by the appropriate official identified in accordance with section 5.1 (the "appropriate official");

(b) Specify the records or categories of records to which access is authorized;

(c) Specify the conditions in which access to or use of those records is to be permitted.

5.3 Without prejudice to sections 4.2 and 4.3, access to or use of records falling within the scope of section 5.1 shall be permitted only in so far as it is in accordance with the conditions specified in accordance with section 5.2 (c).

5.4 Subject to any relevant decision of the Governing Council or its successor body, the decision whether to grant authorization for access to or use of such records shall be at the sole discretion of the appropriate official.

5.5 In determining whether to grant authorization for access to or use of such records and, if so, in which conditions, the appropriate official shall be guided by:

(a) The Governing Council's decision at its 150th meeting of 8 December 2005, specifically:

(i) That the general public shall not have access to "Restricted" category-one records;

(ii) That in no circumstances shall the names or identities of individual claimants be made public;

(iii) That he or she shall give consideration to, inter alia, the nature of the records to which access is sought, the nature of the entity seeking access and the purpose for which access is sought; and

(b) Any subsequent relevant decision of the Governing Council or its successor body.

Section 6
Access to "unrestricted" category-one records

Without prejudice to the provisions of sections 4.2 and 4.3, access to and use of category-one records that have been designated as "Unrestricted" in accordance with section 3 and that have been transferred to the Archives and Records Management Section in accordance with section 4.1 or to permanent storage in the archives of the United Nations in accordance with section 4.2 shall be governed by the general rules and procedures from time to time laid down in Secretary-General's bulletins or in other administrative issuances issued by the Secretary-General or by the Under-Secretary-General for Management regarding access to and use of the records and archives of the United Nations.

Part III
Category-two records

Section 7
Designation of category-two records

7.1 All category-two records shall be designated as "Restricted" for the purposes of access and use.

7.2 When preparing category-two records for transfer to secondary storage, the Commission secretariat shall place all such records in boxes or containers bearing a stamp or label that clearly indicates the designation of their contents as "restricted" and states that they are to be accessed or used only in accordance with the provisions of the present, and any subsequent relevant, bulletin. In the case of electronic copy records, the Commission secretariat shall take steps, where practicable and appropriate, to embed in those records documentation automatically advising in similar terms any person wishing to access or use those records.

Section 8
Transfer of category-two records to secondary storage

8.1 Following their classification in accordance with section 7, the Commission secretariat shall transfer all category-two records to secondary storage.

8.2 Such secondary storage shall take place:

(a) On the premises of the Commission or on other appropriate premises designated by the head of the Commission secretariat and approved by the Chief of the Archives and Records Management Section; or

(b) On the premises of the Archives and Records Management Section or its delegated premises.

8.3 Subsequent to their transfer to secondary storage, such steps shall be taken as may from time to time be necessary to maintain, preserve and repair the records for continued storage. That responsibility shall:

(a) In the case of records stored in accordance with section 8.2 (a), lie with the Commission secretariat, under the direction of the Chief of the Archives and Records Management Section;

(b) In the case of records stored in accordance with section 8.2 (b), lie with the Chief of the Archives and Records Management Section.

Section 9
Access to category-two records

9.1 Without prejudice to the provisions of section 8.3, access to and use of category-two records that have been transferred to secondary storage in accordance with section 8.1 shall be permitted only with the prior written authorization:

(a) Of the head of the Commission secretariat or, in his or her absence, of his or her deputy; or

(b) Of the head of the secretariat of the Commission's successor body or, in his or her absence, of his or her deputy.

9.2 The provisions of sections 5.2, 5.3 and 5.4 shall apply mutatis mutandis with respect to such authorization, access and use.

9.3 In determining whether to grant authorization for access to and use of such records and, if so, in which conditions, the official identified in section 9.1 shall be guided by:

(a) The Governing Council's decision at its 150th meeting of 8 December 2005, specifically:

(i) That the general public shall not have access to category-two records;

(ii) That in no circumstances shall the names or identities of individual claimants be made public;

(iii) That Governments and international organizations that submitted claims may have access to records that they submitted to the Commission; and

(b) Any subsequent relevant decision of the Governing Council or its successor body.

Section 10
Retention and disposal of category-two records

10.1 Subject to any future decision of the Governing Council or its successor body, category-two records that have been transferred to secondary storage shall be retained in accordance with the following schedule:

(a) Where compensation was awarded in respect of a claim, the claim file concerned and its associated payment records shall be retained for seven years following the date on which full and final payment of the award was made;

(b) Where compensation was not awarded in respect of a claim, the claim file concerned shall be retained for seven years following the date of the decision of the Governing Council in respect of that claim.

10.2 With respect to those category-two records that have been transferred to secondary storage in accordance with section 8.2 (a), the Commission secretariat shall, subject to sections 10.4 and 11.1, dispose of those records upon expiration of the period for their retention identified in accordance with section 10.1 (the "retention period").

10.3 With respect to those category-two records that have been transferred to secondary storage in accordance with section 8.2 (b):

(a) The Chief of the Archives and Record Management Section shall, on an annual basis, advise the head of the Commission secretariat or the head of the secretariat of its successor body of the schedule for disposal of the records so stored during the year ahead;

(b) The Archives and Record Management Section shall dispose of records so stored upon the occurrence of the later of the two following events:

(i) Expiration of the retention period of the records concerned;

(ii) Receipt of written confirmation that the Section may proceed to dispose of those records, signed:

a. By the head of the Commission secretariat or, in his or her absence, by his or her deputy; or

b. By the head of the secretariat of the Commission's successor body or, in his or her absence, by his or her deputy.

10.4 A Government or other submitting entity may request the Commission secretariat or the secretariat of the Commission's successor body to delay the disposal of a particular document, notwithstanding the expiration of its retention period. In that event, the Commission secretariat or the secretariat of the Commission's successor body shall take the necessary steps to ensure that the document concerned is not disposed of until such time as the Governing Council or its successor body may decide that it may be disposed of.

Section 11
Reclassification of category-two records

11.1 Subsequent to the transfer of a category-two record to secondary storage in accordance with section 8, the Governing Council or its successor body may

determine that that particular record has historical or precedential value. In that event, the record concerned shall thereafter, depending on the terms of that determination:

(a) Be treated in accordance with the provisions of part II of the present bulletin; or

(b) Be otherwise retained, notwithstanding the provisions of part III of the present bulletin.

11.2 In the event that a record is so reclassified, it shall continue to be designated as "Restricted" unless:

(a) The Governing Council or its successor body decides otherwise; or

(b) If the record falls within the scope of section 11.1 (a), the Commission secretariat or the secretariat of the Commission's successor body expressly re-designates it as "Unrestricted" in accordance with the provisions of section 3.

Part IV
Category-three records

Section 12
Transfer of category-three records to relevant departments and offices

In the case of non-current category-three records within the meaning of section 1 (h) of ST/SGB/2007/5, the Commission secretariat shall take the necessary steps to ensure the disposition of all such records in accordance with the applicable general rules and procedures from time to time laid down in Secretary-General's bulletins or in other administrative issuances issued by the Secretary-General or by the Under-Secretary-General for Management regarding record-keeping and the management of United Nations archives.

Part V
Final provisions

Section 13
Final provisions

13.1 The provisions of the present bulletin shall not apply with respect to those records held by the Commission secretariat that are the subject of specific legal undertakings regarding their retention and disposal that have been given by or on behalf of the Organization to third parties.

13.2 The present bulletin shall enter into force on 30 June 2007.

(*Signed*) **Ban** Ki-moon
Secretary-General